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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/564,217

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Myong-sun Chun

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EXAMINER

CARTER, CANDICE D

ART UNIT

PAPER NUMBER

3629

MAIL DATE

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/564,217	<b>Applicant(s)</b> CHUN, MYONG-SUN	
	<b>Examiner</b> CANDICE D. CARTER	<b>Art Unit</b> 3629	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 06 January 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 January 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>4/24/2006</u> .   | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

1. This communication is a First Action Non-Final on the merits. Claims 1-9, as originally filed, are currently pending and have been considered below.

#### ***Claim Objections***

2. Claims 5 and 6 are objected to because of the following informalities: Claims 5 and 6 are listed as being dependent on either claim 1 or 2, however, the claim language includes subject matter that is discussed in claim 3. For examination purposes, Examiner will treat these claims as though they are dependent upon claim 3. Appropriate correction is required.

#### ***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

**4. Claim 7 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.**

Claim 7 recites the limitation "the registration levels" in line 3. There is insufficient antecedent basis for this limitation in the claim. Furthermore, it is unclear what Applicant means by registration levels. There is no mention of such registration levels in the specification. Please provide the necessary clarification for this limitation.

#### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**6. Claims 1, 2, and 7-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mini et al. (6,684,196, hereafter Mini) in view of Odom et al. (6,058,379, hereafter Odom).**

As per claim 1, Mini discloses a method of dealing in real estate through network of member stores, the method comprising:

a seller connecting step of, when a seller or a member store connecting a real estate dealing server through a terminal and requests to sell real estate, a real estate dealing server displaying a real estate for sale information input window on the terminal of the seller or the member store (col. 7, line 4-12 discloses a seller selling real estate through a website connecting a network of buyers sellers and agents as taught in col. 2, line 49-67 and column 8, line 6-24, where the internet is a network and col. 7, line 42-53 and Fig. 3 discloses a seller registering their listing with the website and col. 19, line 49-65 discloses a CPU coupled to input/output devices including a display and keyboard in order to facilitate the input of seller information into the website, where the CPU is the terminal);

a real estate for sale registering step of storing data input to the respective information input fields displayed on the real estate for sale information input window in real estate information database of the real estate dealing server after the seller connecting step (col. 6, line 65-col. 7, line 2 discloses storing the data into the appropriate fields);

and a real estate for sale information providing step of, when a purchaser or a member store connects a real estate dealing server through a terminal and requests to purchase real estate, the real estate dealing server displaying real estate for sale information registered in the real estate information database on the terminal of the purchaser or the member store (col. 6, line 1-13 discloses providing listing information to a buyer).

Mini, however, fails to explicitly disclose modes of dealing.

Odom discloses a network exchange with seller specified exchange parameters having different modes of dealing (col. 5, line 11-24 discloses specifying a mode of operation of the exchange for the specific buyer/seller operation).

Therefore, it would have been obvious to one of ordinary skill in the pertinent art at the time the invention was made to modify the real estate transactions of Mini to include the different modes of dealing as taught by Mini in order to allow a user to choose the way in which they would like to perform the transaction.

As per claim 2, Mini discloses the seller, the purchaser, or the member store performs log in by inputting a user ID (col.9, line 22-40 discloses a user logging in using a password, where the password, itself, identifies and authenticates the user).

As per claims 8 and 9, Mini discloses the real estate for sale information displayed on the member store terminal during the real estate for sale information providing step is determined in accordance with the search condition selected by member stores; wherein the search condition selected by the member stores is the

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region of the real estate for sale, the kind of the real estate, or the kind of dealing (col. 6, line 1-13 discloses a buyer specifying the characteristics of the desired home and displaying the candidates to the buyer based on the specified conditions).

Furthermore, Examiner considers who, specifically, is specifying the search conditions to be nonfunctional descriptive material. The specific person submitting the search criteria does not change the function of the claimed invention.

As per claim 7, Mini discloses, as best understood, the real estate for sale information displayed on the member store terminal during the real estate for sale information providing step is determined in accordance with the registration levels of member stores (col. 7, line 54-col. 78, line 24 discloses a buyer having their agent register with the website in order to facilitate the transaction for the buyer, and then subsequently giving access to the agent home page based on the fact that the user has registered as an agent).

**7. Claims 3-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mini in view of Odom and further in view of Wheeler (20040039581).**

As per claim 3, the Mini and Odom combination discloses all of the elements of the claimed invention but fails to explicitly disclose the seller or the member store selecting a mode of dealing between direct dealing in which dealing is directly performed between the seller and the purchaser and dealing through intermediation in which dealing is performed through the intermediation of the member store during the real estate for sale registering step.

Wheeler discloses a system for real estate sale management having the seller choose a mode of dealing between direct dealing or using an agent as an intermediary (§ 35 discloses an independent seller choosing to offer a commission to an agent for the sale of their property or they may choose to sell their property independently).

Therefore, it would have been obvious to one of ordinary skill in the pertinent art at the time the invention was made to modify the real estate transactions of the Mini and Odom combination to include choosing a mode of dealing as taught by Wheeler since such would provide the advantage of allowing the sellers to offer a commission without an exclusive contract.

As per claim 4, the Mini and Odom combination discloses all of the elements of the claimed invention but fails to explicitly disclose a mode of dealing is selected by including a select window between the direct dealing and the dealing through intermediation in a predetermined region of a home page displayed by the real estate dealing server on a display window of the seller terminal.

Wheeler discloses selecting the mode of dealing using a select window (§ 35 discloses sellers using their personal administration pages to choose to offer commission to an agent).

Therefore, it would have been obvious to one of ordinary skill in the pertinent art at the time the invention was made to modify the real estate transactions of the Mini and Odom combination to include the selecting of a mode of dealing using a select window as taught by Wheeler in order to facilitate transmitting the commission offer to the interested agents.

Furthermore, Examiner considers the specific orientation of the select window to be nonfunctional descriptive material. The specific orientation of the select window does not change the function of the claimed invention. Examiner asserts that the system for real estate sale management is fully capable of displaying the select window in any specific orientation.

As per claim 5, the Mini, Odom, and Wheeler combination discloses all of the elements of the claimed invention but fails to explicitly disclose when the direct dealing is selected, the real estate for sale information provided by the real estate information database to the purchaser terminal is provided including real estate information and seller information required for dealing and, when the dealing through intermediation is selected, only a part of real estate information is provided.

It would have been obvious to one of ordinary skill in the pertinent art at the time the invention was made to modify the real estate transactions of the Mini, Odom, and Wheeler combination to include providing all information to a user when the user chooses direct dealing and only providing part of the information if the user chooses to deal through intermediation because it is old and well known in the art of conducting real estate transactions to withhold personal information about the seller of the property from the buyer and vice versa when deciding to go through an agent in order to uphold some level of anonymity between the parties.

As per claim 6, the Mini and Odom combination discloses all of the elements of the claimed invention but fails to explicitly disclose in the case of the real estate selected to be dealt in through intermediation of member stores among the information



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items on the real estate for sale displayed on the member store terminal during the real estate for sale information providing step, such a fact is displayed on a predetermined region of a display window.

Wheeler discloses displaying the fact that the seller chooses to use an intermediary (§ 35 discloses that if an offered commission is accepted then the computer will automatically display the independent sellers listings among the agents other listings, thereby signifying that the seller of that particular property has chosen to use an intermediary).

Therefore, it would have been obvious to one of ordinary skill in the pertinent art at the time the invention was made to modify the real estate transactions of the Mini and Odom combination to include displaying the fact that the seller chooses to use an intermediary as taught by Wheeler since such would communicate to buyers who to contact if they are interested in the seller's listings.

Furthermore, Examiner considers that specific orientation of the select window to be nonfunctional descriptive material. The specific orientation of the select window does not change the function of the claimed invention. Examiner asserts that the system for real estate sale management is fully capable of displaying the select window in any specific orientation.

### ***Conclusion***

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. McAvoy et al. (2002/0095385) discloses performing real estate transactions. Raveis, JR. (2002/0049624) discloses tracking real estate transactions.

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Triola (7,127,406) discloses processing escrow transactions. Hastings (6,751,596) discloses monitoring real estate transactions. Broerman (6,594,633) discloses a real estate computer network.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CANDICE D. CARTER whose telephone number is (571) 270-5105. The examiner can normally be reached on Monday thru Thursday 7:30am- 6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on (571) 272-6812. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/C. D. C./  
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/John G. Weiss/

Supervisory Patent Examiner, Art Unit 3629